

# Court of Appeals, State of Michigan

## ORDER

People of MI v Wilbur Jackson

Docket No. 305888

LC No. 11-002007-AR

Karen M. Fort Hood  
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly  
Judges

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The Court orders that the motion to file a late answer is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the August 11, 2011, order of the Wayne Circuit Court affirming the dismissal of the weapons charges based on the grant of defendant's motion to suppress hereby is REVERSED IN PART. The police officer's recognition of the odor of marijuana from within the vehicle defendant was driving would lead a reasonably prudent person to believe that evidence of marijuana possession would be found in the vehicle. See *People v Beuschlein*, 245 Mich App 744, 750; 630 NW2d 921 (2001). The automobile exception to the warrant requirement provides that the police may conduct a warrantless search of a vehicle upon a finding of probable cause. See *People v Kazmierczak*, 461 Mich 411, 418; 605 NW2d 667 (2000). That the officer's stated motivation for the search was for inventory to prepare the vehicle for impound does not change the reasonableness of the search. See *Whren v United States*, 517 US 806, 813; 116 S Ct 1769; 135 L Ed 2d 89 (1996); *Scott v United States*, 436 US 128, 138; 98 S Ct 1717; 56 L Ed 2d 168 (1978). The case is remanded to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

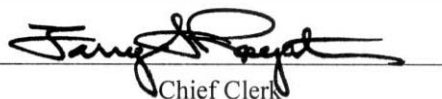
The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 30 2011

Date

  
Chief Clerk